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July 22, 2004

FILED ELECTRONICALLY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street SW, Room TW-A325
Washington, DC 20554

Re: Ex Parte Presentation in MB Docket No. 04-66 (Digital Output Protection Technology and Recording Method Certifications: Windows Media Digital Rights Management Technology)

Dear Ms. Dortch:

This letter, submitted on behalf of the Motion Picture Association of America, Inc., and its member companies (the "MPAA Parties"), is in response to the *ex parte* letter filed in the above-referenced docket by Microsoft on July 13. In its letter, Microsoft requests approval not only for the version of Windows Media Digital Rights Management ("WMDRM") that has been actually submitted in this proceeding and was confirmed in the July 9 joint letter filed by Microsoft and the MPAA, but also "a subsequent release of WMDRM" that permits copying of Marked Content over IP networks, as well as undefined, unspecified "future releases of WMDRM."

The MPAA Parties have expressed support for the WMDRM technology as described in the July 9 letter and attached chart, and are willing to work with Microsoft in developing future versions of WMDRM that offer enhancements or variations of that technology. However, such discussions must occur in the context of a defined proposal. The support expressed by the MPAA Parties in the July 9 letter therefore does not extend at this time to subsequent or future versions of WMDRM. Specifically, the "subsequent release of WMDRM" described by Microsoft in its July 13 letter clearly goes beyond the July 9 confirming chart, which states that "[r]ecording of received streams of encrypted WMDRM content is not allowed." Microsoft has not submitted any compliance rules for, or indeed any detailed description of the controls that

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July 22, 2004

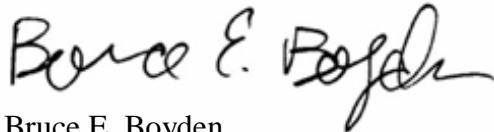
Page 2

would be present in, the subsequent versions of WMDRM referred to in its July 13 letter, and thus authorization by the Commission of such technologies at this time is not appropriate.

As the MPAA Parties have stated elsewhere, the Commission should not issue blanket approvals in these interim proceedings, such that submitted technologies could be modified in an uncontrolled fashion by the technology provider without appropriate review to ensure the goals of the rule-making have not been compromised.¹ Rather, there must be a process for managing such changes – either by “change management” provisions included in a content participant license, or by some other process – in which content owners have a meaningful opportunity to object to changes that would threaten the protection of their content. Future versions of WMDRM must be reviewed in some way before being used with Marked or Unscreened Content, either by a change management process, or if necessary, by a new submission for certification to the Commission. Again, while the MPAA Parties are willing to work together with Microsoft in the future to complete such reviews as expeditiously as possible, it is inappropriate for the Commission to “pre-certify” future versions of WMDRM at this time.

In accordance with Section 1.1206 of the Federal Communications Commission rules, one copy of this notice is being filed electronically.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce E. Boyden". The signature is fluid and cursive, with the first name "Bruce" being the most prominent.

Bruce E. Boyden

cc: Catherine Bohigian
Jon Cody
Stacy Fuller
Jordan Goldstein
Johanna Shelton
W. Kenneth Ferree
Rick C. Chesson
Steven Broeckaert
Alison Greenwald
William Johnson
Michael Lance
Susan Mort

¹ See Letter from Bruce E. Boyden to Marlene H. Dortch, MB Docket No. 04-63, July 16, 2004, Attachment at 10-12, 15.

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Ms. Marlene H. Dortch

July 22, 2004

Page 3

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